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Transcriber's Office

Floor Debate
February 13, 2018

[LB651 LB701 LB702 LB710 LB743 LB755 LB775 LB931 LB935 LB993 LB1069 LB1078
LR6 LR312 LR313]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good morning, ladies and gentlemen. Welcome to George W. Norris Legislative Chamber for the twenty-sixth day of the One Hundred Fifth Legislature, Second Session. Our chaplain for today is Father Mark McKercher from St. Stephen the Martyr Catholic Church in Omaha, Nebraska, a guest today of Senator Riepe and Senator Kolowski. Please rise.

FATHER MCKERCHER: (Prayer offered.)

PRESIDENT FOLEY: Thank you, Father McKercher. I call to order the twenty-sixth day of the One Hundred Fifth Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

CLERK: I have a quorum present, Mr. President.

PRESIDENT FOLEY: Thank you, Mr. Clerk. Are there any corrections for the Journal?

CLERK: No corrections, Mr. President.

PRESIDENT FOLEY: Thank you, sir. Any messages, reports, or announcements?

CLERK: Yes, Mr. President. Priority bill designations. Senator Geist has selected LB993. I also have a series of hearing notices from the Revenue Committee. Mr. President, some announcements. Urban Affairs will have an Executive Session at 9:00 in 2022. Health Committee will have an Executive Session at 9:35 underneath the south balcony, and then the Revenue Committee will have an Executive Session at 10:00 in room 2022. That's all that I had, Mr. President. (Legislative Journal pages 617-618.) [LB993]

PRESIDENT FOLEY: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following two legislative resolutions, LR312 and LR313. (Legislative Journal page 618.) Speaker Scheer. [LR312 LR313]

SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. Colleagues, real briefly, tomorrow is the 14th and Happy Valentine's to all and especially my valentine, my dearest wife, who has

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 13, 2018

put up with me for almost 43 years. Just thought I'd put that plug in for myself. Never hurts to get a few brownie points. But more importantly, tomorrow being the 14th, it is...by adjournment tomorrow will be the last time you can submit a Speaker priority request. So if you have already done so, that's fine. If you're working on something, remember it is not at 5:00 office time, it is adjournment of the body which will be closer to noon tomorrow. So if any of you are still considering that, you will need to get that in the office. If you provide us with a letter, and any additional information that you might feel relevant in your note to us so that we have a better understanding why that bill is important to you or to the state of Nebraska, would be helpful. So again, tomorrow at noon is the last time you can submit a request for Speaker priority, and have a great day with your valentine tomorrow. Thank you.

PRESIDENT FOLEY: Thank you, Mr. Speaker. (Visitors introduced.) Proceeding now to the agenda, legislative confirmation reports. The first report is Natural Resources Committee. Mr. Clerk.

CLERK: Mr. President, excuse me. Senator Hughes offers a report by the Natural Resources Committee involving two appointments to the Environmental Quality Council. (Legislative Journal page 511.)

PRESIDENT FOLEY: Senator Hughes, you're recognized to open on your confirmation report from the Natural Resources Committee.

SENATOR HUGHES: Thank you, Mr. President. Good morning, colleagues. I present for your approval the reappointments of Joseph Citta and Mohamed Dahab to the Environmental Quality Council. Both Mr. Citta and Mr. Dahab came before the Natural Resources Committee on January 31. The Environmental Quality Council was created by the Legislature in 1971 as the public body that adopts rules and regulations for the Department of Environmental Quality to administer. The council consists of 17 members who are appointed by the Governor to serve at staggered four-year terms. Mr. Citta is from Columbus, Nebraska. He is employed as the corporate environmental manager for the Nebraska Public Power District. He looks forward to continuing to serve in his third term on the Environmental Quality Council, much of which he has been...of which he has been the chairman. Mr. Citta serves on a number of community and statewide leadership organizations, including as the director and chairman of the board of the Lower Loop Natural Resources District and president of the Todd Valley Wetlands Foundation. He is filling the power industry position on the council. Mr. Dahab is from here in Lincoln and is professor in the Department of Civil Engineering at the University of Nebraska. He is also a registered professional engineer and certified in environmental engineering. As a Fulbright research professor, he is engaged internationally with other university programs and is the author or co-author of several articles in engineering research reports. As a professor, he thinks it is

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 13, 2018

important to rely...to relay to his students the significance of preserving our water systems among other aspects of environmental water quality improvements. He is fulfilling the minority population's position on the council. The committee advanced both Mr. Citta's appointment and Mr. Dahab's appointment by an 8-0 vote. I ask for your confirmation of Joseph Citta and Mohamed Dahab to the Environmental Quality Council. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Hughes. Debate is now open on the confirmation report from the Natural Resources Committee. Senator Chambers, you're recognized.

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I want to take this opportunity to make it clear and show Senator Hughes and everybody else that even though I may be in a blood feud with somebody, it doesn't apply to everything. So the fact that he is the chairperson, he's bringing this recommendation to us does not mean I'm going to delay it or oppose it. Now while I'm in a frivolous mood, I'd like to say something else taking advantage of the opening Senator Hughes gave me. I sent a rhyme around this morning. We had a long hearing last night so I couldn't give it much time. I'm a state senator, not a typist, so when you find typos in it, the P.S. I should have put at the bottom of it, I am a senator, not a typist. And anybody who finds anything in there he or she would like to use, you're free to do so. Thank you, Mr. President, and I definitely will vote for what Senator Hughes is bringing us today because it shows that on occasion even he can bring us something that is worth supporting.

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Hughes, you're recognized to close on the confirmation report. He waives closing. The question for the body is the adoption of the confirmation report from the Natural Resources Committee. All those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: (Record vote, Legislative Journal pages 618-619.) 30 ayes, 0 nays, Mr. President, on adoption of the confirmation report.

PRESIDENT FOLEY: The confirmation report is adopted. (Doctor of the day introduced.) Next confirmation report. Mr. Clerk.

CLERK: Mr. President, the General Affairs Committee reports on six appointments for the Nebraska Arts Council. (Legislative Journal page 518.)

PRESIDENT FOLEY: Senator Larson, you're recognized to open on your first confirmation report.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 13, 2018

SENATOR LARSON: All right, colleagues, bear with me for these six members of the Nebraska Arts Council. The first is Dr. Steve Anderson of Grand Island. He's applying to be appointed to the Nebraska Arts Council. Dr. Anderson grew up in Wyoming and eventually graduated from the University of Nebraska School of Dentistry. He has owned a dental practice since 1970. While doing so, he served on a number of boards, clubs, and committees within his community. Dr. Anderson is involved with the Missions of Mercy who provides free dental care for people without the necessary means, along with Grow Grand Island which continues to grow the art environment within the area. Next is Mr. Alec Gorynski, a resident of Omaha, who is seeking appointment to the Nebraska Arts Council. Mr. Gorynski is a graduate of Peru State, who has a bachelor's of science degree with an emphasis on criminal justice in psychology. After graduation, Alec continued his education and graduated from the University of Nebraska-Lincoln with a master's degree in public administration. He is currently the vice president of Community Development as well as the president of Community Development Cooperation for First National Bank. Next is Ellen Hornady who is also living in Grand Island and seeking appointment to the Nebraska Arts Council. Ms. Hornady has a bachelor's degree in business administration along with a master's in health services administration from Ohio University. She is a certified as a professional in human resources. Ms. Hornady currently works at Jeh Holdings, LLC, as a managing partner and developer. Next is Darrel Huenergardt. Mr. Huenergardt is a resident of Lincoln. He started his higher learning education at Union College and eventually graduated from the College of Law at the University of Nebraska-Lincoln. His occupation as an attorney has spanned more than 30 years in various areas of the state of Nebraska. While being the city attorney for Kimball, Darrel also served in various clubs and councils, including the board of the American National Bank. Next is Sue Roush, a citizen of York. She graduated from York College with a bachelor's degree in business administration and then furthered her education with a master's degree from the University of Nebraska-Lincoln in marketing. She currently serves as the marketing and communications specialist for Concordia University. And our last appointment to the Arts Council is Ms. Heather Schneider. She is a radio show host, singer, and song writer and current host of the Mulberry Lane Show. Heather graduated from West Side High School and then attended the University of Nebraska-Omaha obtaining a bachelor's degree in journalism. After graduation she continued her education with a master's degree in communications at UNO. Ms. Schneider has performed around the world while being involved in a number of charitable organizations such as the Child Savings Institute, the Ronald McDonald House, and the Special Olympics. I'd urge my colleagues to vote yes on those six. Thank you.

PRESIDENT FOLEY: Thank you, Senator Larson. Debate is now open on the first report from the General Affairs Committee. Seeing no members wishing to speak, Senator Larson, you're recognized to close. He waives closing. The question for the body is the adoption of the confirmation report from the General Affairs Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 13, 2018

CLERK: (Record vote, Legislative Journal pages 619-620.) 26 ayes, 0 nays, Mr. President, on adoption of the confirmation report.

PRESIDENT FOLEY: The confirmation report is adopted. Mr. Clerk.

CLERK: Mr. President, General Affairs reports on two appointments to the State Racing Commission. (Legislative Journal page 518.)

PRESIDENT FOLEY: Senator Larson, you're recognized to open on your second confirmation report.

SENATOR LARSON: Thank you, Mr. President. For the State Racing Commission, I have two appointments. The first is Jeffrey Gaylen, who is seeking reappointment to the State Racing Commission. Mr. Gaylen holds a bachelor's degree from Nebraska Wesleyan as well as a juris doctorate from the Nebraska College of Law. Mr. Gaylen currently works as an attorney at Krotter Law Group and holds a number of honors and continues to work diligently within the community as well as the horse racing industry. Next is Dennis Patrick Lee. Mr. Lee is a resident of Omaha and is seeking reappointment to the Racing Commission. Mr. Lee holds a bachelor's degree in English and journalism as well as a law degree from Creighton. Dennis is the president and owner of the Lee Law Office while also being a member of a number of committees and associations statewide. At 34, Mr. Lee was appointed to the chairman as...appointed chairman of the State Racing Commission, which at the time made him the youngest chairman of any State Racing Commission in the history of the United States, a position he still holds today. Thank you, Mr. President, and I'd urge your green vote.

PRESIDENT FOLEY: Thank you, Senator Larson. Is there any discussion on the second report from General Affairs Committee? Seeing none, Senator Larson waives closing. The question for the body is the adoption of the confirmation report from General Affairs Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: (Record vote, Legislative Journal page 620.) 30 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

PRESIDENT FOLEY: The confirmation report is adopted. Mr. Clerk.

CLERK: Mr. President, a third report from General Affairs involves the appointment of Mr. John Hiller to the State Electrical Board. (Legislative Journal page 519.)

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 13, 2018

PRESIDENT FOLEY: Senator Larson.

SENATOR LARSON: Thank you, Mr. President. I assure you this is my last one today and that's John Hiller, a resident of Omaha is seeking reappointment to the Nebraska State Electrical Board. Mr. Hiller graduated from UNO with a bachelor's degree in business administration and currently owns and operates Hiller Electrical Company. Mr. Hiller has served on a number of boards and committees throughout the state and continues to serve his community as a responsible business owner, while also being an important advocate for the electrical industry. I urge you to vote yes on Mr. Hiller.

PRESIDENT FOLEY: Thank you, Senator Larson. Is there any discussion of the confirmation report? Seeing none, Senator Larson waives closing. The question for the body is the adoption of the confirmation report from the General Affairs Committee. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

CLERK: (Record vote, Legislative Journal pages 620-621.) 34 ayes, 0 nays, Mr. President, on adoption of the report.

PRESIDENT FOLEY: The confirmation report is adopted. (Visitors introduced.) Next confirmation report. Mr. Clerk.

CLERK: Mr. President, the Banking, Commerce and Insurance Committee reports on the appointment of David Rippe as the Department of Economic Development director. (Legislative Journal page 535.)

PRESIDENT FOLEY: Senator Lindstrom, you're recognized to open on your confirmation report.

SENATOR LINDSTROM: Thank you, Mr. President. On behalf of the Banking, Commerce and Insurance Committee I present for the Legislature's consideration the Governor's appointment of David J. Rippe to be the director of the Department of Economic Development. The Banking Committee conducted a public hearing on January 30th and thereafter voted to advance this appointment to the full Legislature on a favorable 8-0 vote. Mr. Rippe was born and raised in Malcolm, Nebraska. He received a bachelor of science degree with a major in accounting from Nebraska Wesleyan University in 2003, and he received a master's of business in administration degree with a specialization in strategic management and finance from the University of Nebraska-Lincoln in 2005. He served as a fiscal analyst in Nebraska Legislative Fiscal Office from 2005 to 2008. Then he served as an economic development consultant in business

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 13, 2018

recruitment at the Nebraska Department of Economic Development from 2008 to 2010. Finally, since 2010 he has served as the executive director of the Hastings Economic Development Corporation. At the hearing, Mr. Rippe told the committee that his work experience has been in the areas of business attraction, existing business development, entrepreneurial assistance, work force attraction development, housing, site and infrastructure development, project management, and program administration. He said he wants to build upon Nebraska's strengths while seeking innovative approaches to economic development. He told the committee that he has already been meeting with individuals and groups representing economic development, business and industry, education, community development and housing interests across the state. Mr. Rippe answered questions from the committee members who I believe were impressed with the responses he provided. Again, the committee reports on this nomination favorably and urges the full Legislature to confirm the appointment of Mr. David J. Rippe to be the director of the Department of Economic Development. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Lindstrom. Is there any discussion on the confirmation report? Senator Chambers.

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I would like to ask Senator Williams a question or two if he would respond.

PRESIDENT FOLEY: Senator Williams, would you yield to questions, please?

SENATOR WILLIAMS: Yes, I would.

SENATOR CHAMBERS: Senator Williams, where there's a Williams, there's a way. Senator Williams, are you aware of a guy, he had a little fame and he used to be a railroad man and then he became very active in the banking industry, his name was Franklin James. Had you ever read about him?

SENATOR WILLIAMS: I think you've actually told his life story a few times on the floor of the Legislature.

SENATOR CHAMBERS: What is he more popularly known as, for those who may not be as up on what railroad people and bankers do? What was his...what was he known as?

SENATOR WILLIAMS: He's kind of like the fisherman that always goes fishing where the fish are. He spent his days going where the money was, which was in the banks.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 13, 2018

SENATOR CHAMBERS: And what do people know him by, what name?

SENATOR WILLIAMS: Jessie James.

SENATOR CHAMBERS: No, I'm talking about Franklin James.

SENATOR WILLIAMS: Oh, Franklin James.

SENATOR CHAMBERS: Yes. You hadn't heard of Franklin?

SENATOR WILLIAMS: Here we go, no.

SENATOR CHAMBERS: Franklin was his brother. He's known as Frank James. That's all I have.

PRESIDENT FOLEY: Thank you, Senator Chambers. Any further discussion? Senator Lindstrom, you're recognized to close. He waives closing. The question for the body is the adoption of the confirmation report from the Banking, Commerce and Insurance Committee. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

CLERK: (Record vote, Legislative Journal pages 621-622.) 28 ayes, 0 nays on adoption of the report.

PRESIDENT FOLEY: The confirmation report is adopted. Next confirmation report. Mr. Clerk.

CLERK: Mr. President, the Transportation Committee reports on six appointments to the Nebraska Highway Commission. (Legislative Journal page 547.)

PRESIDENT FOLEY: Senator Friesen, you're recognized to open on your confirmation report.

SENATOR FRIESEN: Thank you, Mr. Lieutenant Governor. I have five appointments to the State Highway Commission. First one is David Copple from Norfolk who is being reappointed as a representative from District 3. Mr. Copple is a partner in a law firm with a primary emphasis in litigation. He serves on the Nebraska Attorney Ethics Advisory Committee, UNL President's Advisory Board, Northeast Community College Foundation Board, and the board of directors of the Platte Institute. The committee voted unanimously to recommend his reappointment. I recommend the confirmation of Mary Gerdes to continue her service as representative of District

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 13, 2018

1 on the State Highway Commission. Ms. Gerdes is from rural Johnson and has been involved in agriculture industry since 1959. She served on the board of directors for Farm Bureau, and served on the board of Nebraska Pork Producers, board of Nebraska Ag Builders. She was also appointed by President George Bush to serve on the State Committee for the Nebraska Farm Service Agency in 2000 and served until 2008. The committee voted unanimously to recommend her confirmation. The next one is Mr. James Hawks to the State Highway Commission as representative from District 6. Mr. Hawks is a new appointment and has been serving since November. He is currently the city administrator for the city of North Platte and has been for 15 years. Mr. Hawks has experience as a former Lincoln County Highway Superintendent, was elected four times as Lincoln County surveyor, served as co-chair of Governor Johanns' Transportation Task Force for Nebraska's Future, and currently serves on the Department of Transportation Innovation Task Force. I believe his experience will well-serve the citizens of Nebraska and the committee voted unanimously to recommend his confirmation. The next is James Kindig to the State Highway Commission as representative for District 4. Mr. Kindig has travelled the roads and highways of Nebraska for more than 50 years in his work as a food service industry. He resides in Kenesaw and works part-time for Cash-Wa Distributing out of Kearney. He's a graduate of Hastings College and in his testimony before the committee, he said his part-time schedule affords him the luxury of being able to spend more time in being involved when needed with the Department of Transportation and the citizens of District 4, and the committee voted unanimously to recommend his confirmation. And the last is Greg Wolford from McCook, District 7, State Highway Commission. Mr. Wolford is a professional engineer, who is president of W Design Associates. He attended the U.S. Air Force Academy, graduated from the University of Nebraska with a bachelor of science in civil engineering. He's licensed as a city street superintendent and a county roads superintendent in Nebraska. Works with his company on projects in many states with responsibility for engineering, architectural, and administration of those products. And the committee also unanimously recommended his reappointment, and I ask the body to confirm these appointments. Thank you, Mr. Lieutenant Governor.

PRESIDENT FOLEY: Thank you, Senator Friesen. Debate is now open on the confirmation reports. Speaker Scheer.

SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. I rise to speak in favor of the reauthorization or the reconfirmation of David Copple from Norfolk. He's a personal friend of mine. He takes that position very seriously. He has over the past time of his term. He is engaged, he does not see it as a sideline. He is very dedicated to the roads and infrastructure in the state of Nebraska and will do an excellent job as he has done in the past. Thank you very much.

PRESIDENT FOLEY: Thank you, Mr. Speaker. Senator Groene.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 13, 2018

SENATOR GROENE: I wanted to say a couple of kind words to our city administrator, Jim Hawks. The man is a true...he fits the description as somebody that should be on the Department of Roads board. He has an engineering degree. He served as the county's roads department director for years. He's now the city administrator for North Platte. He will give great insight to the decisions made by the Department of Roads and I would ask you to vote to approve him. Thank you.

PRESIDENT FOLEY: Thank you, Senator Groene. Seeing no further discussion, Senator Friesen, you're recognized to close. He waives closing. The question for the body is the adoption of the confirmation report from the Transportation and Telecommunications Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: (Record vote, Legislative Journal page 622.) 30 ayes, 0 nays, Mr. President, on adoption of the report.

PRESIDENT FOLEY: The confirmation report is adopted. Next confirmation report, please.

CLERK: Mr. President, Health and Human Services reports on the appointment of Michele Marsh to the Foster Care Advisory Committee. (Legislative Journal pages 614.)

PRESIDENT FOLEY: Senator Riepe, you're recognized to open on the confirmation report.

SENATOR RIEPE: Thank you, Mr. President, and colleagues. On behalf of the Health and Human Services Committee, I rise to present one reappointment to the Foster Care Advisory Committee, Dr. Michele Marsh. Dr. Marsh serves as a child and adolescent psychologist at CHI Health in Omaha. On February 2nd, this Legislature voted to confirm Dr. Marsh to a partial term on the Foster Care Advisory Committee, which expires on March 1. The vote we are currently discussing is to confirm Dr. Marsh to serve a full term on the committee, which expires in 2021. Dr. Marsh was advanced from the Health and Human Services Committee for the second time on a 7-0 vote. With that, I ask you for your green vote. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Riepe. Is there any discussion on the confirmation report from Health and Human Services Committee? Senator Hilkemann.

SENATOR HILKEMANN: Senator Riepe, would you answer a question, please?

PRESIDENT FOLEY: Senator Riepe, would you yield for a question, please?

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 13, 2018

SENATOR RIEPE: Yes, I will.

SENATOR HILKEMANN: What was Dr. Marsh's first name?

SENATOR RIEPE: Michele.

SENATOR HILKEMANN: Thank you.

PRESIDENT FOLEY: Thank you, Senators. Any further discussion? Seeing none, Senator Riepe, you're recognized to close on the confirmation report. He waives closing. The question for the body is the adoption of the confirmation report from the Health and Human Services Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: (Record vote, Legislative Journal pages 622-623.) 32 ayes, 0 nays, Mr. President, on adoption of the report.

PRESIDENT FOLEY: The confirmation report is adopted. Items for the record, Mr. Clerk.

CLERK: Thank you, Mr. President. Amendment to be printed, Senator Lindstrom to LB743. I have two confirmation reports from the Natural Resources Committee and a notice of hearing from Revenue. That's all that I have, Mr. President. Thank you. (Legislative Journal pages 623-626.) [LB743]

PRESIDENT FOLEY: Thank you, Mr. Clerk. We'll now proceed on the agenda to Select File, 2018 Senator priority bill. Mr. Clerk.

CLERK: Mr. President, LB710 considered yesterday. E&R amendments were adopted when the Legislature left the issue. Senator Chambers had pending AM1867. (Legislative Journal page 606.) [LB710]

PRESIDENT FOLEY: Senator Baker and Senator Chambers, if you'd like a minute each just to bring us up-to-date on the bill and then we can proceed with debate. Senator Baker, you're recognized for a minute or so. [LB710]

SENATOR BAKER: Thank you, Mr. President. The Nebraska statute 25-1801 provides parties an avenue to collect relatively small amounts in court, allows interest and reasonable attorney

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 13, 2018

fees. LB710 clarifies that the assignment of a debt to a third-party collector does not nullify provision of Nebraska statute 25-1801. LB710 also changes the terminology from presentation of claim to the date the claim accrued. I also am going to have another amendment on this bill and we can talk about that more later, but basically it restores the language about the interest to the 6 percent as it has been in the past. Thank you. [LB710]

PRESIDENT FOLEY: Thank you, Senator Baker. Senator Chambers, would you like a minute or so to refresh us? [LB710]

SENATOR CHAMBERS: I have, Mr. President and members of the Legislature, an amendment pending that would strike everything, the original contents, and any amendments from the bill, and substitute a clause that's known as a repealer clause. Thank you. [LB710]

PRESIDENT FOLEY: Thank you, Senator Chambers. Debate is now open on LB710 and the pending amendment. Senator Chambers. [LB710]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I'd like to ask Senator Baker a question or two, if he would answer. [LB710]

PRESIDENT FOLEY: Senator Baker, would you yield, please? [LB710]

SENATOR BAKER: Yes. [LB710]

SENATOR CHAMBERS: Senator Baker, were you here when Senator Hughes offered a confirmation report to the body? [LB710]

SENATOR BAKER: Yes. [LB710]

SENATOR CHAMBERS: Did you hear the kind words, or at least the nonconfrontational words that I spoke in connection with that confirmation report? [LB710]

SENATOR BAKER: I did. [LB710]

SENATOR CHAMBERS: Did that give you hope or maybe...did that give you hope that maybe something like that would work when we got to your bill? [LB710]

SENATOR BAKER: I guess that association didn't occur to me. [LB710]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 13, 2018

SENATOR CHAMBERS: Senator Baker, we've had conversations in the past on various issues, haven't we? [LB710]

SENATOR BAKER: Yes, we have. [LB710]

SENATOR CHAMBERS: They've always been amiable and ended with more or less agreement. Is that correct? [LB710]

SENATOR BAKER: Yes. [LB710]

SENATOR CHAMBERS: Did you and I have a discussion of your bill after the last time it came before us? [LB710]

SENATOR BAKER: Briefly at the end of the day...at the end of the morning yesterday. [LB710]

SENATOR CHAMBERS: If you had to use one word to describe that conversation, what word would you select? [LB710]

SENATOR BAKER: Amiable. [LB710]

SENATOR CHAMBERS: That's the one that was in my mind. I don't know if you're a magician, Senator. What objects do I have in my right hand? [LB710]

SENATOR BAKER: 50-cent piece. [LB710]

SENATOR CHAMBERS: Well, not quite...car keys. But I suppose if we worked it around and massaged the language, we could get around to that. Senator Baker, you know from what I did last time we were on the bill, that I really don't like this bill at all. [LB710]

SENATOR BAKER: I understand. [LB710]

SENATOR CHAMBERS: During our conversation, did I tell you that I know that it's going to pass eventually, no matter what I do or what I say? [LB710]

SENATOR BAKER: I believe you did indicate that, yes. [LB710]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 13, 2018

SENATOR CHAMBERS: And did I indicate that since it's going to pass anyway, if something of value could be obtained through this bill, I'd be willing to look at that? Do you remember that part of our discussion? [LB710]

SENATOR BAKER: Yes. [LB710]

SENATOR CHAMBERS: And did you mention something to me that you were considering by means of an amendment? [LB710]

SENATOR BAKER: I showed you an amendment form that I had filled out was ready to submit. [LB710]

SENATOR CHAMBERS: And did my eyes light up like a Christmas tree, so to speak? [LB710]

SENATOR BAKER: They seemed to. [LB710]

SENATOR CHAMBERS: And did I tell you that based on what you told me you were going to do, I would withdraw any amendments or motions that I may have pending? [LB710]

SENATOR BAKER: Yes. [LB710]

SENATOR CHAMBERS: And you've heard me say several times quoting my old friend Abraham Lincoln, with whom I went to school, the promise being made must be kept. Did I make the promise to you that I was willing to withdraw anything I had pending on your bill? [LB710]

SENATOR BAKER: I don't remember it being in the form of a promise, nor did I ask for one, but you did indicate that you were going to do that. [LB710]

SENATOR CHAMBERS: If I describe it as a promise, would you expect me to deliver on the promise that I made? [LB710]

SENATOR BAKER: You're a man of honor. Yes. [LB710]

SENATOR CHAMBERS: And did you rest well between then and now knowing that that commitment had been given by me? [LB710]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 13, 2018

SENATOR BAKER: I was fine. I was fine. You know, I understood all along there was a possibility of three more hours, but if that were not going to happen, you know, that sounded good to me. [LB710]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, anything I have pending on the bill I would withdraw now. [LB710]

PRESIDENT FOLEY: The amendment is withdrawn. Thank you, Senator Chambers. Mr. Clerk, anything further on the bill? [LB710]

CLERK: Mr. President, Senator Baker would move to amend with AM1889. (Legislative Journal page 626.) [LB710]

PRESIDENT FOLEY: (Visitors introduced.) Senator Baker, you're recognized to open on AM1889. [LB710]

SENATOR BAKER: Thank you, Mr. President. The amendment I offer refers to Section 1(b) of 25-1801, which you can find on page 3 in lines one through four. So the language on page 3 strike beginning with "provided" in line two through "rate" on line three. So that first sentence after this amendment would read, interest at the rate of 6 percent per annum would be allowed. Thank you. [LB710]

PRESIDENT FOLEY: Thank you, Senator Baker. Is there any discussion on AM1889? Seeing no discussion, Senator Baker, you're recognized to close on your amendment. He waives closing. The question for the body is the adoption of AM1889. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB710]

CLERK: 31 ayes, 0 nays, Mr. President, on the adoption of Senator Baker's amendment. [LB710]

PRESIDENT FOLEY: AM1889 is adopted. Anything further, Mr. Clerk? [LB710]

CLERK: I have nothing further on the bill, Mr. President. [LB710]

PRESIDENT FOLEY: Senator Wishart for a motion. [LB710]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 13, 2018

SENATOR WISHART: Mr. President, I move to advance LB710 to E&R for engrossing. [LB710]

PRESIDENT FOLEY: Members, you've heard the motion to advance LB710 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB710 advances. Proceeding now to General File, 2018 committee priority bill. Mr. Clerk. [LB710]

CLERK: Mr. President, LB775 was a bill originally introduced by Senator Stinner. It relates to the Game and Parks Commission. It adopts the State Park System Construction Alternatives Act. Introduced in January of this year, referred to the Appropriations Committee, advanced to General File. There are committee amendments pending. When we left the issue, Senator Stinner has presented his bill, Mr. President. When we left the issue, Senator Chambers had offered AM...or excuse me FA98. That failed. There was a motion then offered to reconsider that vote. So committee amendments are pending as is a motion to reconsider, Mr. President. (MO207, Legislative Journal page 561.) [LB775]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Stinner and Senator Chambers, if you'd like a minute each to refresh us on where we left off, you're welcome to have that. Senator Stinner, you're recognized. [LB775]

SENATOR STINNER: Thank you, Mr. President. Good morning, fellow members of the Legislature. LB775 authorizes the Game and Parks Commission to utilize alternative methods of contracting for public projects in the state park system, specifically authorizing the use of design-build and construction manager or general contractor methods. LB775 would provide the commission the option and the ability to use these alternative methods for contracting, which they currently do not have. It would allow them to use their internal professional advice from engineering parks and administrative staff to evaluate the best delivery method for a particular project. AM1723, as amended by FA98, we clarify the language to include compliance with the Nebraska licensing law under the Engineers and Architects Regulation Act to reflect licensed architects and engineers' involvement with the design-build projects. It would also provide language to protect the intellectual property rights of bidders in the event that their proposals are not accepted by the commission. Thank you for your consideration. I'd ask that you vote green on AM1723 as amended and the underlying LB775. [LB775]

PRESIDENT FOLEY: Thank you, Senator Stinner. Senator Chambers, would you like a minute to refresh us on where we left off? [LB775]

Floor Debate
February 13, 2018

SENATOR CHAMBERS: Mr. President, members of the Legislature, I have a delaying amendment of motion up there in the form of an amendment. And that's what was defeated and now a reconsideration of that motion is before us. Thank you. [LB775]

PRESIDENT FOLEY: Thank you, Senator Chambers. Proceeding now to debate, the bill and pending amendments and motions. Senator Chambers. [LB775]

SENATOR CHAMBERS: Now, Mr. President, so that I can keep track and won't always have to ask, is this my opening on the motion to reconsider now? [LB775]

PRESIDENT FOLEY: No, you've already opened that, I believe. Let me check with the Clerk. Senator Chambers, you can...I think you did open on it previously, but you can reopen on the reconsideration motion. [LB775]

SENATOR CHAMBERS: All right. And I want to do it that way, because I can find plenty of motions and so forth to delay the bill. That's what I'm going to do. I don't like this bill any more than I dislike other bills. I don't dislike this bill more. I dislike the agency that is affected by it more than I dislike any other agency other than maybe the Department of Correctional Services under Mr. Frakes. That commission has taken some decisions that I think are very unwise, not in the public interest, and not in keeping with what I deem the mission of that agency to be. So this motion is one that I know you're not going to support. I know you're not going to support any amendments. But I'm going to fight anything that comes here designed to assist or advance the cause of the Game and Parks Commission. Yesterday, or the last time we were on this bill, I did indicate and anybody who had wanted to see it could do so, that I want to bring a bill next year to require that the nine commissioners be elected by district. That naturally means the state will be divided up into nine districts and each district will have a member on the commission. Obviously, where the heaviest population is, there will be the most representation, but that's in keeping with the one person, one vote rule. What that Game and Parks Commission has become is kind of like a little plum seat that the Governor gives to people who, in my opinion, have no genuine understanding or concern about the resources of this state. They accommodate the hunters, the trappers, and the anglers. I think that the resources of the state should be viewed as belonging to all the residents of this state and currently there is not the representation on that commission that ought to be there, and as a result you have these people talking about putting in place a mountain lion hunting season. There are not enough mountain lions to warrant that. And in the process of delaying this bill, I'm going to do something similar to what I did with the black-tailed prairie dog bill, give you some background on how this thing came to pass. It happened when I no longer was in the Legislature and the bill was brought by a man named Loudon and it was designed, when it was drafted, to allow a hunting of mountain lions, but the bulk of the debate on the floor dealt with a program to allow hunters to donate deer meat to

Floor Debate
February 13, 2018

processors who would process it and make it available to these agencies and organizations that help provide sustenance to the needy. There was very little said about the mountain lion hunting just as there was very little, probably, said about the prairie dog bill. So I'm going to take the time that I need this morning to do that. I will offer motions, I will offer reconsiderations, and all of it, I'm making clear is to give as much upsetness as I can to the people who are connected with Game and Parks. And I'm not going to limit my assault against Game and Parks to bills that relate to them. I'm going to take time on other people's bills to talk about mountain lions, to talk about prairie dogs. And through these means, talk about the nature of a Legislature, what we ought to do, what we fail to do, what we ought to be condemned for not doing. I will discuss the futility and what I would consider the blasphemous nature of those so-called prayers that are rendered here every morning. They are counterproductive. And you all are lucky that there's no God of the kind you pray to or this place would have been demolished. I would like to ask...well, I'm not going to involve Senator Stinner in the discussion because he is not the chairperson of any committee that would deal directly with what the Game and Parks Commission does, and I'm not interested in going after any specific senator today. You had a chance, speaking metaphorically myself, to see me in the role of Dr. Jekyll, the wise, the sensitive, the concerned, Dr. Jekyll. But there was a part of Dr. Jekyll's nature denominated by the name, Mr. Edward Hyde. What Dr. Jekyll can feel, a disturbance in the force, and Mr. Hyde is beginning to assert himself. Mr. Hyde is not a friendly being. And I talked about Dr. Jekyll and Mr. Hyde a bit the other day. And the story was written by Robert Louis Stevenson. As Mr. Hyde continued engaging in depredations, he began to grow physically. And whereas when Dr. Jekyll became Mr. Hyde, he had to roll up the cuffs of his pants so that they would not fall on the ground. Then a point was reached where when he became Mr. Hyde, he no longer had to roll up the cuffs of his pants. His clothing fit him more tightly and as Mr. Hyde grew physically, he grew more mean. He was a mean machine. And he would mock Dr. Jekyll. And what wound up as the end of the story was Dr. Jekyll having to kill himself in order to get rid of Mr. Hyde. Now, what I'm telling you may be true, it may not be true. You haven't read the story. I could be making this all up. Maybe the story of Dr. Jekyll and Mr. Hyde was something like, or whoever two characters are, The Three Stooges less one. But, actually, there was a fourth one. His name was Shemp. Curly, Moe, and Larry. People are familiar with The Three Stooges, and Shemp. Now, how many Marx Brothers were there? Does anybody know? How many, M-a-r-x. How many Marx Brothers were there? Somebody said three. Three, three, three, do I hear four? Do I hear four, four, four, four. How many are there? All right. One is Groucho, obviously. One is Harpo. One is Zeppo. Is there a fourth one? I think there was. We will take that under advisement as one of the serious types of issues we often discuss on this floor. Chico. The one who said three thought on it and came up with the fourth one. [LB775]

SENATOR HUGHES PRESIDING

SENATOR HUGHES: One minute. [LB775]

Floor Debate
February 13, 2018

SENATOR CHAMBERS: Now you have the names of the four Marx Brothers, but I bet there are not many people who could give them back to me right now. And I won't ask. But that's the kind of discussion I'm going to have on the bills that relate to Game and Parks. By the way, the word game is not plural because it refers to animals, not activities that give you enjoyment. It's not the Games and Parks Commission. It's the Game and Parks Commission. And inside I get a chuckle every time somebody says games, because that is what the Game and Parks Commission plays, and I have to try to put that to a stop. Thank you, Mr. President. [LB775]

SENATOR HUGHES: Thank you, Senator Chambers. Senator Hilkemann, you're recognized. [LB775]

SENATOR HILKEMANN: Thank you, Mr. Speaker. As a member of the Appropriations Committee, I support LB775 from Senator Stinner, and I think this is innovative legislation that we need to advance. I'd also like to take this moment. My father's youngest brother, the last of six siblings, was born on a farm near Randolph, Nebraska, on April 16, 1920. He graduated from Randolph Public High School as his other siblings and all of his subsequent Hilkemann nephews and nieces. He was a farmer, cattle feeder, longtime member of the Farm Bureau. He prided himself in keeping his homestead beautiful and always well-trimmed and the picture of what we like our farms to look like. It included a beautiful large front yard lined with fruit trees and other trees that enticed many friends and church groups to come and play Sunday baseball games. His front yard was manicured as well as any Major League Baseball field. He and his wife, Mildred, raised three wonderful children, and up until just a few months ago, he enjoyed playing cards and visiting with his family and friends. Through his 97 years of life, he would never live more than five miles away from the home of his birth. Tomorrow, we will be celebrating his life at the Randolph Methodist Church, the church of his baptism, of his confirmation, and his membership of over 80 years. Harold Hilkemann was part of that greatest generation. He was a lifelong proud Nebraskan. He was proud of his Pierce County roots. Rest well, Uncle Harold. Thank you, Mr. Speaker. [LB775]

SENATOR HUGHES: Thank you, Senator Hilkemann. Senator Chambers, you're recognized. [LB775]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, Senator...former Senator Louden had tried to bring a bill on prairie dogs when I was here. It was atrocious. I tried to work with him to make changes, which he didn't want to do. If the bill were going to pass, it should have been in better shape than it was. So I went ahead and killed his bill. Then after I left, the Legislature was not as attentive and he was able to prevail on them to pass that atrocious thing which became the Black-Tailed Prairie Dog Management bill. Well, on April 4th of 2012, this said Louden offered a bill, the number of which was LB928. And I'm going to

Floor Debate
February 13, 2018

read the floor debate on that bill, and you will see how little time was given to a discussion of the mountain lions and how much time was given to a different subject. President Sheehy, presiding. Clerk: Mr. President, LB928 is a bill by Senator Louden. The bill was introduced on January 10th of this year, referred to the Natural Resources Committee, advanced to General File. President Sheehy...by the way he was involved in some inappropriate activity and he had to make an unscheduled departure from his position as Lieutenant Governor. President Sheehy: Senator Louden, you're recognized to open on LB928. Senator Louden: Thank you, Mr. President and members. Good morning. Good afternoon, members. I want to thank Senator Flood for putting this on the Speaker priority bill and today I bring LB928 which would authorize the Nebraska Game and Parks Commission to issue permits for hunting mountain lions. LB928 is a bill I introduced in the Natural Resources Committee on behalf of the Nebraska Game and Parks Commission. At the present time there isn't any wording in statute that allows the Game and Parks Commission to declare hunting season on mountain lions. Mountain lions are described in statute 37-228 as a game animal, but there have never been any provisions in statute to allow any kind of management or control of the population. What LB928 does is give the commission the authority to implement a season and it also describes in statute how the season would be implemented, how a limited number of permits would be allocated and what the proceeds from the sale of permits would be used for. The reason for this bill is that it is the opinion of the Game and Parks Commission that the mountain lion population could achieve a high enough level to warrant an official hunting season. There are signs of a resident population of mountain lions in northwest Nebraska. With such a resident population, these animals then begin migrating to other areas of the state as there have been sightings of mountain lions statewide. LB928 is a tool that the Game and Parks Commission have asked for to help them in the... [LB775]

SENATOR HUGHES: One minute. [LB775]

SENATOR CHAMBERS: ...in the management of wildlife and game animals in Nebraska. I would ask that you advance LB928 to Select File. Thank you, Mr. President. And since I only have less than a minute, I will take this up when my recognition time comes again. Thank you, Mr. President. [LB775]

SENATOR HUGHES: Thank you, Senator Chambers. You are next in the queue and this is your third time. [LB775]

SENATOR CHAMBERS: Thank you, Mr. President. Clerk: Mr. President, Senator Fulton would move to amend with...and then he gives the amendment. President Sheehy: Senator Fulton, you're recognized to open on AM2667. Senator Fulton: Thank you, Mr. President and members of the body. First, I would like to thank Senator Louden for allowing me to bring this amendment on his bill. This was...this amendment was LB1163 which is the bill I brought this year and it's

Floor Debate
February 13, 2018

actually something I've worked on for a number of years. I should also thank Senator Langemeier and then also Game and Parks Commission. Really, Senator Langemeier took the bull by the horns on this and we're able to put this together. What this is...I'm just going to go ahead and read you Section 5. The purpose of Section 5 to 14 of this act and this is what's in the amendment, to establish procedures for the administration of a deer donation program and to encourage hunters to harvest deer to donate to a program to feed residents of Nebraska who are in need. Surrounding states have similar programs and since I became involved with the sportsman forum, I've received e-mails and requests as to why Nebraska doesn't have something similar in place. We have a...Game and Parks does have an exchange in place but not a full-blown program like we're proposing here. And so I brought this in the form of LB1163. Game and Parks had some concerns with how this would go forward, whether it would cash flow properly and they were doing their due diligence as to how this bill could work. And so it was very important that we sit down with Mr. Douglas with Game and Parks Commission and come up with a way forward on this. The amendment is pretty straightforward. There are...the way I can explain it to you quickly, there are two components here. Those are...those who are deer hunters, when they fill out their permit, they would have the opportunity to check off a box as we envision it, to donate money to the hunters helping the Hungry Cash Fund and in return, they would get a tag to be able to take a deer and then donate that deer to a participating meat locker and that's all defined in this amendment and then that meat would be processed and would go to those in need through varying agencies that provide food for those in need. So, we think this is a win-win-win. This is a way that we can control...further control the deer population which is a safety issue for those of us in urban Nebraska and certainly an issue of economic development for those in rural Nebraska. We provide the mechanism by which we can provide food for the needy and to allow hunters to engage in the sport that they love. So I will...I'll stop there. It's pretty self-explanatory. It's laid out here. We give authority to the Game and Parks Commission. I'll answer any questions if you have any. I just ask you to support this amendment. Thank you, Mr. President. And I'm going to have plenty of time to continue, but I don't want to have to stop in the middle, so when I reach a point like this, I'll ad lib a few words. Already in this proceeding that I'm dealing with in this transcript, Senator Fulton has said far more than Senator Loudon said about mountain lions. When he said there were sightings all over the state, Nebraska is a pass through state... [LB775]

SENATOR HUGHES: One minute. [LB775]

SENATOR CHAMBERS: ...for mountain lions. Mountain lions are animals that move. They cover hundreds of miles in what might be their territory. So there could have been several sightings of the same animal, if indeed sightings there were. They were wiped out early on in this state by the white hunters who had no respect for the balance of nature. The mountain lion was then and is now in Nebraska the apex predator. When mountain lions diminished in numbers, deer multiplied. There was no way to control them. And I'll go into those things more

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 13, 2018

in detail later perhaps. But early in the 1900s mountain lions returned and from the early 1900s, maybe 1903 until today, no mountain lion has ever attacked... [LB775]

SENATOR HUGHES: Time, Senator. [LB775]

SENATOR CHAMBERS: ...any human being. Thank you, Mr. President. [LB775]

SENATOR HUGHES: Seeing no one else in the queue, you're...you can close on your reconsideration motion. [LB775]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, these animals are what I call unoffending. They don't seek out human beings. They don't want to be around human beings. They're called the ghosts of the plains because they rarely are seen by anybody. Sometimes these trail cameras will catch a picture or a photograph of a mountain lion and that's how they know that mountain lions are in the state. Tracks, their scat or their defecations may be noted. So again, you're aware that they are here. Mountain lions do not take livestock. Recently, there may have been a report or two of lions having taken livestock. I'm not going to discount those reports, but that hardly is an onslaught of mountain lions diminishing the income of these farmers and these ranchers by taking their livestock. Eagles take more of their livestock than mountain lions. Other animals do. Livestock are not on the menu of mountain lions. I guess though if you're hungry and there's some food nearby, you'll get it just like some people go into grocery stores and shoplift. But the reason I think there should be no mountain lion hunting season, is there are not enough of those animals which were indigenous to Nebraska before they were slaughtered. Now, there can be some modicum of a balance restored. Deer still multiply in abundant numbers from what I've been told. Mountain lions eat deer. They eat small mammals. They keep unwanted mammals away because they're not animals who are natural enemies of and to the mountain lion. So, Game and Parks in their wily, treacherous, scheming, underhanded way, came to Senator Loudon, who was an elderly person...I don't think he was as old as I am. Nobody in the Legislature, I don't believe, has been that old. But he was a man of such a height, kind of chunky, unoffending...he would be able to do what I always say that I could do. I am so inconspicuous, I could be the only person in a phone booth and I would be lost in the crowd. Senator Loudon is the only other person I can say that about and he was so modest, he wouldn't even know he was in a phone booth. So he was selected to do the dirty work for Game and Parks. Game and Parks may have sensed that they could never get anything like that through the Legislature while I was here, so they waited as other entities did, including pro-life people as they're so-called, until I left the Legislature due to term limits. Then they ran wild, like juveniles would do if their parents go on vacation and leave the juveniles at home to do whatever it is they want to do. And when this cat was away, the legislative mice began to play. I'm going to read a little more from the transcript and when my time is up on that, it's necessary that I have

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 13, 2018

another motion on the desk in order that I can continue and deliver on my promise to keep us here all morning... [LB775]

SENATOR HUGHES: One minute. [LB775]

SENATOR CHAMBERS: ...which translates until 11:30 for the interest of those of you who are not up here, you know when you got to come back here running. But I'm going to have you running back here sooner because when I have to take a vote on this, I'm going to have a call of the house and here's why I do it. These senators don't want to hear what's going on, that's their prerogative. But every now and then, I'll ask for a call of the house so they can put in an appearance and people who may be in the balconies will know that there are more senators in the Nebraska Legislature than the sparse population that we have here right now and generally have whenever I speak. So, in the spirit of cordiality and brotherhood I'm not going to take all of the time that I have, but I will ask for a call of the house and a roll call vote. Thank you, Mr. President. [LB775]

SENATOR HUGHES: Thank you, Senator Chambers. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB775]

CLERK: 13 ayes, 1 nay, Mr. President, to place the house under call. [LB775]

SENATOR HUGHES: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Briese, would you check in? Senators Watermeier, Hansen, Thibodeau, Geist, Vargas, Riepe and Brewer, the house is under call. Senators Hansen, Thibodeau, Vargas, the house is under call. Senator Chambers, did you request a roll call vote? We're all present and accounted for. The question before the body is the reconsideration motion. Roll call vote, Mr. Clerk. [LB775]

CLERK: (Roll call vote taken, Legislative Journal page 627.) 2 ayes, 34 nays on the motion to reconsider, Mr. President. [LB775]

SENATOR HUGHES: The motion fails. I raise the call. Mr. Clerk, for items. [LB775]

CLERK: Mr. President, Senator Chambers would move to bracket the bill until April 18, 2018. [LB775]

Floor Debate
February 13, 2018

SENATOR HUGHES: Senator Chambers, you're recognized to open on your bracket motion.
[LB775]

SENATOR CHAMBERS: Thank you. Mr. President, since I have a little time now on this motion, I'm going to continue reading from the transcript. Senator Fulton had given his opening on the deer program, d-e-e-r. And Senator Karpisek, K-a-r-p-i-s-e-k, in case people may have forgotten how to spell his name who are transcribing, was recognized to speak. Senator Fulton, would you yield to Senator Karpisek? Senator Fulton: I will. Senator K:--I thought I'd shorten it.--Thank you, Senator Fulton, and I really support this idea. I did...I read the amendment a little bit, but not as thoroughly as I should have. What does it take for the meat locker to be involved? Senator Fulton: Okay. I'll point to you to the part of the amendment and then I'll just describe it in my own parlance or my own language. The meat processor needs to sign a contract with Game and Parks Commission. And let's see, the meat processors...what a meat processor... what and which meat processors is found on page 3 of the amendment. Karpisek: Okay. Senator Fulton: Section three at the very top, that is the qualifier as to what defines a meat processor. The...let's see we are on...now page 4, Section 11. This is at the volition of individual meat processors. If they want to be part of this program, they should enter into a contract with Game and Parks. And it's part of that contract that's to be spelled out with Game and Parks. They would be able to receive payment for these...for processing these donated deer carcasses. Karpisek: And is the fee set out anyway or is it whatever the locker charges customarily? Fulton: That is something that will be set by Game and Parks Commission. Karpisek: Okay. And there have been some of these hunters feeding the hungry before. Was that more of a private group doing it? Fulton: Yeah. There is...there haven't been any in Nebraska anyway. There haven't been any deer donation programs put forward as a program like this. What exists right now with Game and Parks is an exchange. It's a Web site basically for those who would like to donate deer meat can make that known and those who would like donated deer meat can make that known. And so, that has been effectuated with this Web site, this exchange that's run by Game and Parks Commission. Perhaps that is what you have been exposed to in the past. Karpisek: Great. Again, I thank you for bringing this. I will read a little bit more. I feel very comfortable with the Game and Parks being involved. There's also a situation that often comes up in some of this meat even though not donated, isn't picked up by the time that it's supposed to be out of people's possession and sometimes the locker will find themselves with quite a bit of deer meat...still in their freezer taking up room after they shouldn't have it in their possession anymore. And I will talk to the Game and Parks about that because the only other thing to do with it is to throw it away. And that is nothing but a waste of resources. But I know some locker plants that have gotten in trouble for that because their customers did not pick the meat up. It's been processed, they don't have anyone paying for it, and so they have it sitting there and the inspector comes in and says, oh, that's supposed to be gone. And then they have to pay the fine which is a tough spot to be in. But, again, I will read it better and I appreciate you bringing it, Senator Fulton. I think it's a great idea and I think it will work very well. Thank you, Mr. President. Sheehy: Thank you, Senator

Floor Debate
February 13, 2018

Karpisek. Senator Hadley departing. Nothing has been said about mountain lions except what Senator Louden said very briefly. Senator Hadley: Would Senator Fulton yield to a question? Senator Fulton, would you yield to Senator Hadley? Senator Fulton: I will, yes. Hadley: Senator Fulton, we had a situation in the 37th District in Hastings within the last couple of weeks dealing with the locker plant and waiting to donate meat to a mission, homeless mission out there. And we were told they couldn't do it because of the fact that they did not have a retail license, so basically they could only send the meat back to the person that they did the processing for. Is that taken care of in this bill? Fulton: I believe so. Not...what you described to me I believe would be addressed in this bill. Perhaps there are more particulars, I'm unaware of, similar to how I described to Senator Karpisek, this is page 3...page 3 of the amendment. At the very top, a meat processor means any business that is licensed to process meat for retail customers by the Department of Agriculture, U.S. Department of Agriculture or neighboring state's department that is similar to Nebraska's. And so it...the situation you describe, perhaps this wouldn't remedy the situation you described but it is articulated and outlined clearly statutorily anyway, as to what defines a meat processor that would be eligible to participate in this program. Hadley: Okay. I would just...thank you, Senator Fulton. I just want to make sure because we did run into this legal hassle and it had to do with the fact that the U.S. Department of Agriculture was doing and inspecting at the same time the State Department of Agriculture was doing inspecting. And the person at the processing plant did not have the right kind of license so they couldn't do this. They literally could not give the meat to a charitable organization. So I assume that you have vetted it enough that this would not be a problem. Thank you, Mr. President. Sheehy: Thank you, Senator Hadley. Member requesting to speak. Governor Krist, I mean, excuse me, Senator Krist. Senator Krist: Thank you, Mr. President. Good afternoon, Nebraska, and colleagues. In November of last year, I received a phone call asking me to come to a meeting. A group of businessmen in the Omaha area and they wanted to talk about this very thing. They were very energized to put some kind of a program together. And this is a cooperation. I think that needs to be highlighted when it comes to getting things done in this body. This Legislature which is... unifies for several causes. I thank Senator Fulton for bringing it to fruition. I asked Senator Schilz to help me, and Senator Langemeier get involved on the other end of it. This was a group effort. I thank Senator Fulton again for bringing it to fruition and attaching it here. It's a great program. I will say this, colleagues, our neighboring state Iowa does it just one step better in the fact that they have a statewide food bank and I think we should look into this that in the next few years because it would certainly make distribution of the product to the folks who really need it easier for us. So thank you, Senator Fulton for bringing it forward and I would ask you to vote green on the amendment and the underlying bill. President Sheehy: Thank you. Seeing no additional requests to speak, Senator Fulton, you're recognized to close. Senator Fulton: Thank you, Mr. President. Briefly, I'm glad Senator Krist got up to talk. Indeed, Senators Krist and Schilz also should go on to this list of folks to thank here in this body and also some credit should be given to Game and Parks because as you can see, they'll need to hustle to put this together for the upcoming season and that means work is going to have to be done here, like right away. And they have expressed

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 13, 2018

the willingness to hustle and take the steps necessary to implement the program, so they need to be recognized too. This is a good program. [LB775]

SENATOR HUGHES: One minute. [LB775]

SENATOR CHAMBERS: I think it's a good idea and hopefully we can improve it in future years. I ask for your green vote. And the vote was taken. And I will conclude this the next time I'm recognized. [LB775]

SENATOR HUGHES: Thank you, Senator Chambers. (Visitors introduced.) Senator Chambers, you're recognized. [LB775]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, usually I won't address anything to people in the balcony, but the retired teachers retire once, I tire, I retire, I retire, I retire every day I come to this Legislature but I'm not tired now. I'm going to conclude. Senator Sheehy then recognized Senator Louden and this is what Senator Louden said. Thank you, Mr. President and members and this is a collaborated effort here amongst us that we would use our sportsman and also our natural resources to a very good use, which using the amount of deer meat out there that could be used for food processed in Nebraska is a great deal and giving the Game and Parks authority to do something so they can have control over the mountain lion population. With that, I would ask you to advance. That's all that was said about mountain lions. Was there any discussion? Nothing about lions killing people. Nothing about lions taking livestock. The only thing said was that there were some sightings around the state. Senator Louden did not originate this idea that nefarious Game and Parks, the ones that I'm working against today, brought it to a senator and because we often are not knowledgeable about the issues that are brought to us by various agencies and lobbyists, we bring trash legislation. If somebody like me is not here to read it, to evaluate it, and to stop the Legislature from doing something foolish, we wind up with these bad bills becoming law. When they become law, the ones who wanted it will then take advantage of it. This has been a moneymaker for Game and Parks. Every now and then somebody would come before a committee of which I was a member. They usually windup before Natural Resources, but when they're getting some kind of donation they have to come before the Exec Board of which I'm a member and this exchange occurred January 7th of 2014. A guy named Roger Kuhn was speaking. Senator Wightman was the chairperson. Senator Chambers is allowed to speak. So I will have question for Chambers, a answer for him, and I don't have to keep giving our names. Question: Were you directed to present this to the committee? Were you directed to come here by somebody connected with the commission? Answer: Yes. By the way he was the division administrator with Game and Parks. Question: Who directed you to come? Answer: The director of the Game and Parks Commission had assigned me or asked me to come here to request the acceptance of the gift, yes. Question:

Floor Debate
February 13, 2018

And does he have a name? Answer: Yes, Jim Douglas. Question: Who? Answer: Jim Douglas. Question: Jim Douglas, he's the director of the commission? How many people are on the commission? Answer: There's nine members on the commission. Question: And did the commission hire Mr. Douglas? Answer: Yes. Question: And he's authorized among the duties that he has to delegate to certain employees the responsibility to do what you're doing here today, is that correct? Answer: That's correct. Question: So you're speaking not just for Mr. Douglas ultimately, you're speaking for the commission also since Mr. Douglas is acting on behalf of the commission and you're carrying out Mr. Douglas's order to you? Answer: Correct, yeah. Question: Am I in a position to believe... [LB775]

SENATOR HUGHES: One minute. [LB775]

SENATOR CHAMBERS: Am I in a position to believe that when something is presented to us as the commission's position, that we can rely on that as being true? That the commission means what we're being told, are we allowed to trust what we're told? Let me put it a different way. Would the commission lie to us? You're thinking an awful long time. Laughter. Answer: I...no, no, the commission wouldn't lie. I wouldn't lie to you. No. Question: Not you. I'm not putting this on you. Did you say time? So close, I'll stop. [LB775]

SENATOR HUGHES: 16 seconds. [LB775]

SENATOR CHAMBERS: Okay. [LB775]

SENATOR HUGHES: Senator Chambers, you're next in the queue and this is your third time. [LB775]

SENATOR CHAMBERS: Thank you. Not you. I'm putting this...I'm not putting this on you, the commission. Okay. I know you wouldn't lie. I suspect you wouldn't. Now I'm going to touch on something which has been bothering me and it's this hunting season for the mountain lions. But I'm going to go a different direction from the one people might think. Senator Loudon brought that bill and it was drafted by the commission, wasn't it? Answer: I couldn't tell you if the commission drafted the bill or not, but I know Senator Loudon carried the bill. Question: On behalf of the commission, didn't he? Answer: I wouldn't... Question: The commission requested that he bring it. Answer: I wouldn't know that. I don't know if the commission did that or not. Question: Okay, you don't know. Answer: Right. Question: Are you familiar with some of the provisions of that bill when it comes to these hunting seasons and I'm not going to ask you to quote it. Are you generally familiar with that or you don't have any knowledge of it? Answer: Not a lot of familiar--and that's what he said--not a lot of familiar as I'm the division administrator of the state parks division and that's partly why I'm here with the playground at

Floor Debate
February 13, 2018

Branched Oak. That is a state park. When you get into the wildlife side of the agency, I'm not division administrator over the wildlife side of the agency, so I'm not as familiar with that.

Question: I'm going to see if you're familiar with this. Are you familiar with what I refer to as a directive or...it's in the law that when this hunting season takes place, the one with the lottery and the one with the auction where the guy paid \$13,500 to use dogs and guides to track one of these animals, are you aware that there are other hunting seasons besides those two? Are you aware that there will be additional hunting seasons? Answer: Yes. Question: Are you aware that those people will not be allowed to use dogs? Answer: Yes, I'm aware of that. Question: Well, now if the hunting for the purpose of managing the mountain lion population and using dogs in these two high profile hunts are a legitimate part of that management, why cannot these others who are hunting as a part of the management use dogs? Answer: I couldn't answer that question for you. Question: Could you see where a person inexperienced in the esoteric aspects of mountain lion hunting such as myself, might see a break in logic, that if using dogs by a rich man and somebody who paid to be in a lottery is all right and legitimate and a part of managing the mountain lion population, something is "loony-tune" or as Elmer Fudd would say, downright "scwoowey". That's the way he pronounces "screwy". When you use the dogs in one setting but you are forbidden to using them in another setting, can you see where that's difficult for me to understand? Answer: I can understand your opinion, yes. Question: Okay. And you might...he wouldn't say it out loud. He can say that it's difficult for me to understand because I probably don't understand anything and I'm working my way up to something. Are you familiar with the requirement that when one female is taken, that season is over? Are you familiar with that? Answer: Yes. Question: What county did that young killer take a mountain lion in? Answer: I believe it was Dawes County. Question: No. [LB775]

SENATOR HUGHES: One minute. [LB775]

SENATOR CHAMBERS: Answer: Sheridan. Question: No. It starts with an "S" and it ends with an "x". Answer: Sioux County. Question: Sioux, it was Sioux County. I like to come prepared. Maybe it goes back to my legal training or the fact that I don't trust people like Game and Parks Commission. That hunt took place in January of 2014, is that correct? Answer: Right. Question: This article is dated December 21, 2013, headline: Sioux County trap unintentionally kills mountain lion. A young female mountain lion has been unintentionally killed in a trap in northwest Nebraska. As required by the commission policy, the trapper called the agency immediately upon discovering the mountain lion in a cable restraint trap in Sioux County. I will stop and continue when I'm recognized. Thank you, Mr. President. [LB775]

SENATOR HUGHES: Thank you, Senator Chambers. Seeing no one else in the queue, you're recognized to close on your bracket motion. [LB775]

Floor Debate
February 13, 2018

SENATOR CHAMBERS: Thank you. I have to prepare something so I will take some of my time because I know what's going to happen on my bracket motion and you all do too. We know this and you know what I'm going to do. If you don't know me by now, you will never, never, never know me, no, you won't. But continuing, and I'll have time to draft my motion. The commission had knowledge that in Sioux County, a female lion had been killed. Why did they allow the hunt to go on in Sioux County where another female could have been killed. Why didn't they say there will be no hunting in Sioux County. I understand your difficulty, I'm springing this on you. You're the sounding board and I don't expect you to account for people who I think lie. For people who cannot be trusted, for people who are not trying to manage the wildlife in a proper way to manage the cougar or mountain lion or catamount or painter or puma or panther or whatever they want to call it. That's not what they're interested in. They wrote the language about an auction. They got in cahoots with this hunting operation to have the auction in Mahoney State Park. I think to get into the banquet you had to pay \$75. Then, I think they started the bidding at \$500 and it was raised by increments of \$250 and the Game and Parks Commission did it. I do not trust them. I think they are liars. I think they deceive the Legislature and I'm going to do something about it. What you're offering today gives me the opportunity to show that I mean what I say and I'm saying these things to indicate that it's not just my love of animals that is making me do what I'm doing. I'm dealing with a rogue, lying, untrustworthy state commission people by liars, deceivers, forked tongue individuals. And to put something in the legislative hopper as was done by Senator Louden who had no understanding of what he was doing...I served with Senator Louden. They wouldn't bring it while I was here. They waited until I left because they could trick the others and it passed 49 to nothing and I've got to clean up the mess. There's one other thing. When I was called about the so-called hunt, I had not known it had occurred. I had never been so enraged, so outraged, so disgusted in my life. If you had a cougar that killed livestock, not for food but for the sheer love of killing, they would say that is a rogue beast and he must be tended to. When you've got a two-legged human being, I don't care how old or young he is...did you say time? Oh. I don't care how old or young he is, who kills for the sheer love of killing, you have somebody dangerous on your hands. This person from what I read in the paper has had brain tumors, has had a number of surgeries, and they had to be life threatening because he was allowed to indulge his lust for killing in Arizona through one of these hunting organizations. It's called Hunt of a Lifetime Foundation exclusively for children under 18 with a life-threatening disease who want to kill something. You are standing as a child at death's door and you have these hunters, I call them killers, slaughterers, butchers, telling that child the best thing for your condition is to go out and kill something and we're going to make it possible for you to do it. So he trotted out to Arizona. I don't know if they used dogs, probably they did, and guides, ran one of these animals into the ground until it found a tree where it sought refuge... [LB775]

SENATOR HUGHES: One minute. [LB775]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 13, 2018

SENATOR CHAMBERS: ...exhausted, terrified, behaving in accord with the nature that this God that my colleagues pray to every morning during the session put into him. And while in the tree, as God taught him to do when he's in danger, surrounded by baying hounds with four legs and other barbaric uncivilized creatures on two legs with guns, and this child with his life-threatening disease was assisted in killing this nonoffending treed animal. And I'm going to stop, ask for a call of the house, a roll call vote and then I will proceed. Thank you, Mr. President. [LB775]

SENATOR HUGHES: Thank you, Senator Chambers. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB775]

CLERK: 14 ayes, 2 nays, to go under call, Mr. President. [LB775]

SENATOR HUGHES: The house is under call. Senators, please record your presence. Those unexcused senators outside of the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Baker, would you please check in? Senator Watermeier, the house is under call. The question before the body is the bracket motion on LB775. There's been a request for a roll call vote. Mr. Clerk. [LB775]

ASSISTANT CLERK: (Roll call vote taken, Legislative Journal page 628.) The vote is 0 ayes, 28 nays, Mr. President. [LB775]

SENATOR HUGHES: Thank you, Mr. Clerk. I raise the call. Items, Mr. Clerk. [LB775]

ASSISTANT CLERK: Mr. President, Senator Chambers would move to reconsider the vote just taken. [LB775]

SENATOR HUGHES: Senator Chambers, you're welcome to open on your reconsideration motion. [LB775]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'm going to continue reading from this transcript before the Executive Board which met January 7th, 2014. I'm going to read...re-read part of what I've read so that there will be continuity. Talking about this youngster who had this very serious illness having gone out to Arizona under some program that allowed children who were facing death to kill something. I don't know if they use dogs. Probably they did, and guides. Ran one of these animals into the ground until it found a tree where it sought refuge, exhausted, terrified, behaving in accord with the nature that this God that

Floor Debate
February 13, 2018

my colleagues pray to every morning during the session, put into him. And while in the tree, as God taught him to do when he's in danger, surrounded by baying hounds with four legs and other barbaric uncivilized creatures on two legs with guns and this child with his life-threatening disease was assisted in killing this nonoffending treed animal and he's got the hide of that animal hanging on his bedroom wall. I'm wondering if this so-called lottery was fixed so that he would win. And after he killed the animal, he said, I feel great. I'm going by what was quoted in the paper. And what he wants to do is have it mounted, so he can put that with the other one. Then his daddy said, this was not a trophy hunt. That's all it was. And if somebody whose life was spared went out and killed...I'll quote a couplet of William Blake: A robin redbreast in a cage puts all of heaven in a rage. You can imagine perhaps from what I've said, my internal and intellectual reaction to what I was told, and it was described for me how the animal was in a tree, and the boy shot him and his daddy showed him how to steady the gun on a limb so he could kill him. And so you know what I told the reporter, which the reporter did not record because he probably didn't want to offend the Christians who love to kill. Unlike Jesus, I cannot restore the dead to life, but I can avenge the death of one inappropriately killed--and in this case, two of them. And as sure as my hair was black and is now gray, as soon as I will be black for the rest of my life, somebody is going to pay. I'm not a killer or a barbarian like the ones I'm talking about, so I mean this figuratively. There are those who hunt and there are those who hunt the hunters. I have a voice in this Legislature. I have a vote. The Governor said speaking of me, he's just one man, and he's right. Just like Samson was just one man when he pulled down the temple. Just like David was a little-bitty boy. These words are not very clear. I've got to get a better copy. One little boy who brought down a giant that all of the men in the army were afraid to confront. Don't underestimate what one determined man can and will do. I've got my bill drafted to repeal that language that those tricky, sly, scheming, dishonest, lying, Game and Parks commissioners tricked a trusting, inattentive, unwary Legislature into putting in the law books. And now that I've unburdened my soul, I want to just see if there's anything that I ought to say in order to give my colleagues something to chew on. There was a man named Deric, D-e-r-i-c, Anderson, who is a cattle producer, has a ranch near Harrison. He helped this boy and his aiders and abettors to get this animal, but here's what he said, he does not mind the cats on his land. Quote, the cats don't bother me, they don't bother cattle. And what do we hear all those crazy people in Nebraska saying, they're attacking wildlife. They're on his land and they don't bother cattle. Quote, I kind of like having them around, unquote. I'll take his word over that of these people and the Game and Parks Commission or these killers, butchers, and slaughterers. My final comment: Sometimes there is either something that can be called prophetic, a Freudian slip, ironic, or peculiar. Do you know what the name of the rifle was that this young killer used, the brand? Answer: No. It was called "Savage" and it named the one who used it and those who were with him. I'm through. Members of the Legislature, I'm now going to quote something from Senator Avery who was also on the board and I believe he may have been the chair of the Natural Resources Committee at that time. Senator Avery: Now I want to address the question about the approval of this request. There are some questions we need to answer. One, is it a legitimate

Floor Debate
February 13, 2018

request for this body to take up? I looked at the law and I think the answer is yes. The next question is whether or not this is a legal transaction that we would be authorizing. I think the answer is yes to that as well. Then the question is whether we should consider this request in context of what Senator Chambers is talking about or whether we ought to look at it and evaluate it entirely on its merits. I think the latter is what we ought to do. Senator Chambers raised a lot of important issues but he did not address this particular request so I'm going to vote yes. Senator Chambers--I was called on by Senator Wightman. Senator Chambers: We will be in session tomorrow. I think we ought to let the Legislature deal with it as a Legislature. The question Senator Avery is proposing be reviewed, researched and appropriate action as determined by a majority of legislators can then be taken. And they went ahead and I believe they authorized the acceptance of the gift. Members of the Legislature, I don't care if nobody listened to what I read. I've developed quite a following, one of them wrote me from Illinois. She said that she watches the Legislature streamed and she's never seen or heard anybody like me in any Legislature. So, I'm educating other people as to the kind of place this Legislature is, the kind of people who are in it, the subjects that are discussed, and the way the people leave the Chamber when they don't want to hear things. Now, I stay here and I listen to a lot of the claptrap you all say when you're talking about your bills. I stay here. I listen to you. You know why? Not because I'm learning anything, not because it's interesting, but I want to make sure if I can do so, that I stop any bad thing from being put into the law books. Now, I cannot catch everything, and everything I catch or perceive as being bad, I cannot stop. But I'm going to do what I can. And right now, all I'm doing is delaying the inevitable, which is the movement of Senator Stinner's bill. But Senator Stinner as the chairperson of the Appropriations Committee is going to come out here with other bills and I shall remember what's happening today. I shall remember the way the senators left the Chamber and I'm going to see if you all are going to leave the Chamber when those budget bills are out here and I'm doing the same thing. Are you going to let the media say when the budget bill was being discussed, the Chamber was virtually empty as it is now? This is why all is silent on the western front. You know why I feel bad? [LB775]

SENATOR HUGHES: One minute. [LB775]

SENATOR CHAMBERS: I only got about as many people in here as you have when the preacher is up there preaching or praying or whatever he does. I wouldn't need all of the fingers that I have on both hands to count the few people in this Legislature. You don't like what you hear, so you flee the scene. That's the kind of legislators you are. Now you all are dull a lot of times when you're talking. You're reading when you're supposed to be addressing us, but I stay here. Some of you come to me with various propositions and proposals that you have, when you have amendments you want to look at or have me look at, and I look at them. I don't support all of them, but if I can offer something to you, I will. And this is why I deal with this Legislature the way I do. The disrespect that is shown, look how few people are here. And you had a chairman of a committee yesterday when a person testified and offered... [LB775]

Floor Debate
February 13, 2018

SENATOR HUGHES: Time, Senator. [LB775]

SENATOR CHAMBERS: Thank you, Mr. President. [LB775]

SENATOR HUGHES: Senator Wayne, you're recognized. [LB775]

SENATOR WAYNE: Good morning, colleagues. I figured I just wanted to jump in this a little bit and talk a little bit about some of the issues that are pressing me and pressing my district in, I think, across the state. And we hear a lot about...talk about property taxes and all these different issues but I passed out a little sheet of paper that talks about our infrastructure. So I'm going to spend the next couple of days and maybe next two months talking about our infrastructure needs not just from a technology or a broadband or a road, but also how each individual committee can individually look at infrastructures and start making changes. And so, this sheet right now, I want you guys to know that we are ranked...our nation's infrastructure has ranked us as a D in 2017. It costs roughly \$348 per year for each driver to operate vehicles. Over 15 percent of our bridges are rated structurally deficient. We have drinking water needs and we have a lot of other needs. So we're going to go through and talk the big picture and if we want to talk about tax relief, then we might as well start having this conversation right now because at the end of the day, it's up to the state to do something about it. And so, let's talk about each committee for a little bit. I know Chairman Hughes can't respond because he's up in the chair but Natural Resources, we need to look at our waterways. What do I mean by our waterways and our reservoirs? Well, currently we have roughly 98.5 million of unmet needs in our park systems. We currently have over 2.5 billion in wastewater infrastructure needs over the next 20 years, and we have 1.6 billion needs of drinking waters over the next 20 years. Yet, I don't believe we as a body are dealing with the long-term effects of this infrastructure need. I would submit that we need to look at reservoirs, we need to look at better ways to have better drinking water, and we need to look at new infrastructures when it comes to our waterways. Turning my time to a passionate topic that's going to probably take me a good, I don't know, ten hours to talk about, TEEOSA. I have a bill right now in Revenue which is a mystery how we got to Revenue when it's a TEEOSA bill. I had a rereference bill that I had put a motion in almost a month ago that still has yet to come before this body. But TEEOSA is the true way, if you want to talk about property tax relief that this body can make a decision to really give relief to property taxes. Your highest local property taxes come from your school district. We have little over 290-something school districts, yet most of them don't get TEEOSA funding because of equalized school districts. This is a need that we have to blow up TEEOSA and start all over. And I encouraged the Education Committee this year to tackle it. And how we do that, is we create a base funding for each student. We add poverty, we add ELL. We also go through and add schools that are sparsed areas. We give them additional dollars for transportation and we simply add another one for schools that have over 50 percent poverty. If you take that base formula and you figure out what it takes for actually teaching and learning in our districts across the state and we put a number behind that, we'll

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Transcriber's Office

Floor Debate
February 13, 2018

direct more dollars to the classroom and we can start a baseline conversation about our school system. When you start a baseline conversation about our school system, and how it looks and how it's funded, then we start a conversation about property tax relief. For every dollar that is an unequalized school district... [LB775]

SENATOR HUGHES: One minute. [LB775]

SENATOR WAYNE: ...we can give those dollars to the unequalized school district and require them to lower their local levy by the percentage that we give them. That is instant property tax relief without upsetting the cart and without changing anything but providing more dollars and more resources to our local school district. The reason why TEEOSA is so important to me was when I was on the school board, there was a study. I pulled a Senator Chambers move to make sure I push my light again. There was a study done multiple times by this Legislature about TEEOSA, yet we have failed to have the courage to do something about TEEOSA. And I think this year is the time for us to do something. Again, we continue to talk about property tax relief, but property tax relief can only happen at the local level if we as a state start deciding to fund our local school districts. I'll be back on the mike in a little bit. Thank you. [LB775]

SENATOR HUGHES: Thank you, Senator Wayne. Senator Chambers, you're recognized. [LB775]

SENATOR CHAMBERS: Thank you, Mr. President. Senator Wayne touched on a subject that means a great deal to me and I'm tempted to depart from what I'm doing to talk about what he brought up. But I'm going to...since I created this time, I'm going to stay on what I'm pursuing, which is the Game and Parks Commission. And because the senators don't like to be up here anyway, I think I'm going to start doing this on other bills and see if I can keep you off the floor the rest of the session and that way no harm will come to the public. And if you think I can't do this, just challenge me. And you're challenging me by not being here now. And I cannot make you be here, but I can run you out of here. I'm stronger than you. I'm more powerful than you, and I run your Legislature, and I own you. Now, that's what I can say. Look what I've done. I've run about 39 people out of here. They fled, they ran for the hills. What are they doing? Urping and burping, eating, drinking, smoking, chasing, harassing. You got those kind of people in this Legislature right now who do those kind of things, but like other places they're afraid to say anything. So maybe my making that comment today will make them a little more careful. You know why I ask for a call of the house? Some of them, in their stupidity, are going to think if they don't come back they're hurting me. You let us have a call of the house and drop below 25, we no longer have a quorum and we're automatically dismissed. But I can make them come back up here, and you all ought to help me make them come back up here, but you don't have to. And I'm going to say things that will stop you from voting for a call of the house. Not right now,

Floor Debate
February 13, 2018

though, because I might need you. I guess I completed what I had to say from that transcript, but I also have a transcript of some floor debate on mountain lions, and I am going to take time tomorrow. What did Shakespeare...tomorrow and tomorrow and tomorrow, and I want to see you all in your smartyness stop me. This is Senator Stinner's bill. He knows you all would support it, so he doesn't even have to stay up here, but I stay, and I'm going to be here to watch you all. I'll spend more hours on this floor than anybody else, and you all can sneak out. You can run out, but you have to come back. And I think, but I haven't decided, that maybe I should comment on every bill from now on that comes before us. And in order not to waste my time because you all don't know much about these bills, I'll just make motions, like recommitted to committee. Then if Senator Wayne or somebody else has some significant issue they want to discuss, they can discuss it on the time that I will create for that. And I will see who folds first. Now, I haven't promised to do that. If I promised it, I would do it,... [LB775]

PRESIDENT HUGHES: One minute. [LB775]

SENATOR CHAMBERS: ...but I feel a very, very strong temptation. And Oscar Wilde, a man whose work I enjoy reading, said the best way to get rid of temptation is to yield to it, but that is not the best thing to do in all circumstances, even though it's the best way to get rid of temptation. I am concerned about and interested in the matters being discussed by Senator Wayne, but I'm going to resist the temptation to join that discussion right now. We can do that on a different bill, on a different day, but I have to, to the extent I can, take all of this time which will be left to me. I say which will be left to me because Senator Wayne decided to intrude into my territory, which you can do on the floor of the Legislature... [LB775]

SENATOR HUGHES: Time, Senator. [LB775]

SENATOR CHAMBERS: ...and I will not be able to do it all alone. Thank you, Mr. President. [LB775]

SENATOR HUGHES: Thank you, Senator Chambers, Senator Baker, you're recognized. [LB775]

SENATOR BAKER: Thank you, Mr. President, and if Senator Chambers would forgive me for trespassing in his territory, I'd like to engage Senator Wayne a little discussion about a favorite topic of mine and that would be TEEOSA. Senator Wayne, I happen to agree with you about the notion of giving some foundation aid to everybody and require them to reduce property taxes, dollar for dollar, but don't you think that's going to require some additional input from the state to make this work? [LB775]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 13, 2018

SENATOR HUGHES: Senator Wayne, will you yield? [LB775]

SENATOR WAYNE: Yes. Senator Baker, you are absolutely correct. It is going to require us to add money into our funding and what my bill, LB1088 does, is does just that. We add roughly about \$800 million into TEEOSA and that is approximately a \$725 million property tax relief immediately to local school districts and local property owners. [LB775]

SENATOR BAKER: Senator Wayne, have you noticed in this body there seems to be a lot of emphasis on reducing revenue rather than increasing revenue? [LB775]

SENATOR WAYNE: That is correct. I have noticed that the year and a half that I've been here. [LB775]

SENATOR BAKER: So that doesn't really work out very well. I mean, I think the unspoken solution for some is that we can get local property tax relief by making schools spend a heck of a lot less. Would you agree with that? [LB775]

SENATOR WAYNE: I think that is the assumption, but I will respond on my time to that assumption. I don't want to take your time. [LB775]

SENATOR BAKER: Hey, that's fine. I'm just helping use up some time here, so you know there have been...you aware there have been attempts to study TEEOSA each year but nothing ever happens? [LB775]

SENATOR WAYNE: Yes, I was a part of one of those when I was the president of a school board. We actually hosted this body with the Department of Revenue and Education in a joint public hearing which resulted in no changes in TEEOSA. [LB775]

SENATOR BAKER: Right. Well, I'm out of questions for now, maybe come back later. Thank you. [LB775]

SENATOR HUGHES: Thank you, Senator Baker and Senator Wayne. Senator Wayne, you're next in the queue. [LB775]

SENATOR WAYNE: So to answer Senator Baker's questions a little bit about money, I had the fortunate of going on a turkey hunt with Senator Brewer last year, or this year. It's all blending together. It was last year. I also traveled roughly 73 counties and met with local farmers, local

Floor Debate
February 13, 2018

bartenders, local McDonald workers, and the overall theme that I continued to hear is property tax relief. But what I also heard is they're willing to pay more in a sales tax. They're willing to pay more in an income tax, if they can offset their property taxes, because both sales tax and income taxes are taxes that I can control. Although sales tax is one of the most regressive tax so I have some issues with how we do that, but at the end of the day when I talk to the local farmers in Senator Brewer's district who took me on a turkey hunt and the ones that I sat around with and talked to about their number one issues, they couldn't understand and couldn't believe that in Florence, the district I represent, and by 66 and Hartman where I grew up, there are a lot of retirees who are saying now they are basically renting their house from the government. That they pay so much in property taxes, it's more than what they actually use to pay in their mortgage in the '70s. So they're actually renting their house back from the government. That's a dangerous situation we're in. But what I kept hearing is, they're willing to raise sales tax, they're willing to raise income tax to offset their property taxes. And I also kept talking to them about, do you understand the state does not collect any property tax? Most of them did not know that. So we need to educate them on that. But once they found that out and I said, well, give me one of your property tax statements, they see all local entities. They love their schools. They think schools need the money and some of them are actually strapped the way they are right now. I have a virtual school bill that allows for them to maybe bring in some additional income but allow for them...those kids who start participating in the virtual well to help offset some of the cost, such as higher as the Algebra and Calculus classes at some places can't currently afford. That's still...it's out of Education right now and it's in worksheet order, but my point is, is when I travel to states...I didn't go to all 93, but I went to 73 or 76, they're all saying the same thing. Help us fund education, move us from 49th in the country, bump us up and when we do that, we can offset that by local property taxes. But it's not just Education. We can look at Judiciary, we can look at multiple committees that can do stuff about local property taxes, if the state does exactly what Senator Baker said, changes its mind from cut, cut, cut, to maybe lets figure out revenue streams. At the end of the day, this state cannot cut their way to prosperity. Is that my time? Okay. Good, I get to keep going. So my bill makes sure...LB1088 makes sure that we are Rule 10 compliant, which means it supports the teaching and learning. And Senator Baker what this bill does, it gives \$5,000 per student for foundation aid. It also give \$16,000...\$1,600 per student for free lunch, not free and reduced lunch, because oftentimes the reduced is inflated. So we're going to concentrate on the free. So this is a very conservative approach. In addition, we do \$800 for any school that has over 50 percent poverty. Study after study shows that once the school reached actually 42 percent, there's a dramatic decrease in the amount of academic achievement. So I said at 50 percent, we're going to go school by school to determine if those kids need additional resources in the amount of \$800. For limited...English limited proficiency, we added \$1,600 for that base pay. [LB775]

SENATOR HUGHES: One minute. [LB775]

Floor Debate
February 13, 2018

SENATOR WAYNE: And then for the definition of sparse, which is already in our statute, we added a \$500 base pay to make sure that we provide for reimbursement. What is very interesting about the sparse versus urban school district is, the way our current TEEOSA is funded, it encourages Omaha Public Schools to do busing. And what that causes is many kids from north Omaha to be bused out west. The reality is, is west Omaha is not busing down north because OPS gets 85 cents on each dollar in return back from the state. So right now, OPS is spending thirty-six to forty-four million dollars of busing inside the city of Omaha. Imagine if we put those monies back into the classroom and back down in north Omaha, how much better teachers, how much better staff, and how much better buildings, how much better books, how much better computers the kids in north Omaha and south Omaha could have. So, yes, it's time to blow up TEEOSA and it's time to have a real conversation in this body about how we get property tax relief. [LB775]

SENATOR HUGHES: Time, Senator. [LB775]

SENATOR WAYNE: Thank you. [LB775]

SENATOR HUGHES: Seeing no one else in the queue, Senator Chambers, you're recognized to close on your reconsideration motion. [LB775]

SENATOR CHAMBERS: Thank you. Mr. President, I may have to offer one more motion to get us to 11:30. It's very interesting listening to Senator Wayne. It's regrettable that not more people are here to hear him, or I should say, listen. When they're here, they're not going to hear him. As soon as you mention north Omaha, or English Language Learners, white people's minds close. A metal shield goes across their face. Maybe I can bring back my plan to divide the Omaha Public School district into three separate districts, each one independent, each one freestanding, and the division will be based on the seven high schools that currently are in Nebraska, in Omaha. There will be two in District 1, two in District 2. There will be three high schools left, so three will be in the other district. When the OPS people didn't like that, because they knew the money would not be controlled by them, they started talking about I was segregating the schools. I said, first of all, they're segregated now. And if there's a type of segregation under the plan that I'm bringing, you caused it by the way you set up the attendance areas for the high schools. You white people on the school board did that. But now that somebody is going to take what you've done and bring true local control where the people whose children are being cheated, you don't want that. Local control is as American as apple pie until black and poor people want to exercise local control. If neighborhood schools which are rationally segregated, if neighborhood schools are all right now, then let us keep that concept when we divide OPS into three geographical school districts. And the people who live in those districts will control the schools to which their children go. As Senator Wayne pointed out, a lot of our children are bused out to white schools in west Omaha

Floor Debate
February 13, 2018

where they're not wanted anyway, where they often are mistreated. It's foreign territory, a hostile environment. The white schools like it because now they get black football players and black basketball players. That's what they want. And that's what they yearn for and crave. You watch what this new coach that you've got is going to do. He was down south where he got a lot of black players because a lot of them live in the south. When he wants speed, when he wants players that what they call the skill positions, those are code words for black players. The tight end used to be a position reserved for white people, but that is being menaced now. You all think we don't see what's going on because we don't talk about it all the time. I talk about it in a broader context with my young brother, my little brother, Senator Wayne opened the way. If you want to see an advocate for control of schools by the parents whose children attend the schools, you're looking at him and you will not listen. And you will not do what I would have in mind to be done. But we're going to tussle and the one place where Senator Wayne and I disagree, is on the sales tax. I will fight that tooth and nail because Little Orphan Annie, as an orphan, doesn't have the same amount that Daddy Warbucks, the multi-billionaire had. And to poor persons, there can be a few pennies short where you're trying to buy bread or milk. [LB775]

SENATOR HUGHES: One minute. [LB775]

SENATOR CHAMBERS: And I'm going to boast like some of these white people do and I don't often do it. I come upon people in the store with these coin purses trying to count out what they've got and I will pay for their groceries. Not because I'm noble, not because I want to talk about it like I'm doing now. I don't have peace of mind when I know I can afford to buy food and this poor person is trying to count pennies to buy bread and milk, and I'm in a Legislature as hateful, as racist, as backward as this one. And I come here every day. Look at this empty Chamber and I'm here and you're not. Where are you? What do you think of this place, which is your Legislature, not mine? You have no respect for it. I'm trying to put some respect in you for your institution and you do not have it because you hate me that much, well, I own you. When I can run you out of your house, I own you. [LB775]

SENATOR HUGHES: Time, Senator. [LB775]

SENATOR CHAMBERS: Is that my closing? [LB775]

SENATOR HUGHES: That was your closing. [LB775]

SENATOR CHAMBERS: I want a call of the house and a roll call vote. [LB775]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 13, 2018

SENATOR HUGHES: There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB775]

ASSISTANT CLERK: 19 ayes, 3 nays to go under call. [LB775]

SENATOR HUGHES: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senators Hansen, Bolz, Vargas, Crawford, Hilke, the house is under call. Senator Bolz and Vargas, the house is under call. The question before the body is the reconsideration of Senator Chambers' bracket motion. There's been a request for a roll call vote. Mr. Clerk. [LB775]

ASSISTANT CLERK: (Roll call vote taken, Legislative Journal pages 628-629.) The vote is 3 ayes, 34 nays on the motion to reconsider, Mr. President. [LB775]

SENATOR HUGHES: The motion fails. (Visitors introduced.) I raise the call. Mr. Clerk. [LB775]

ASSISTANT CLERK: Mr. President, Senator Chambers would move to recommit LB775 to the Appropriations Committee. [LB775]

SENATOR HUGHES: Senator Chambers, you're welcome to open on your recommit motion. [LB775]

SENATOR CHAMBERS: Thank you. Mr. President, this will take us until 11:30 and that's when the moment of truth comes on this bill. And look at how many senators are here now. See, I want those young bankers to see that there are more than the ten people who were here that have been here all this morning. And don't you be in your adult life what these people are here. When you have taken an oath to do your job, be on your job. Don't let somebody run you away from your job by mere words. I don't carry a gun. I don't use a gun, but my loaded brain to them is more threatening than a loaded gun would be out on the street. And I'm going to keep whipping them with it. I'm going to keep owning them and I'm not going to let them do what they want to do unless they do it my way on my terms. That's what we've come to and now I challenge you all to stop me. And I'm saying it in front of you young bankers, your people. Somebody like me is going to talk to you like this because the way you conduct yourself, you should stay here. This is a bill, so you'll remember what it is, that Senator Stinner brought for the Game and Parks Commission. He thinks that architects and engineers are needed to be involved in certain

Floor Debate
February 13, 2018

activities when it comes to property and other things that the Game and Parks gets involved in. Ordinarily, it's a bill that I wouldn't have any problem with. It's a bill taking an approach that is indeed practical. His name happens to be on it. And anything that comes here for the Game and Parks Commission is going to get this treatment. And now because of the way senators run out of here, I'm going to start giving other bills this treatment and I'm going to run them out of here on you all's bills and I'll see how you like that. I've got about four motions that I can make on every bill. I can get 50 minutes on each one of those motions. Four times fifty is 200. There are 60 minutes in an hour. If you divide 400 by 60, three times 60 is 180. How much is two times 180? Figure it out. I can burn off all the days that I want to without talking about anything pertaining to the Legislature. I can bring books to read, I can bring articles in the newspaper, and I can even bring some of the things that I have written. Court cases, court decisions, things you need to know about, but you don't know about. And I'll clean this Chamber out. This is truly, as one of my colleagues said, Ernie's Chambers because it will just be me here. Me and the Lord, and I'll be by myself because I don't talk to ghosts. And maybe I'll let some of you all come in. I play by the rules. I was informed that at 11:30 the time will be here when an action can be taken to terminate this. So because Senator Wayne may not have a chance to speak on his own time, anytime I have left I will give to Senator Wayne. [LB775]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Senator Wayne, 6:20. [LB775]

SENATOR WAYNE: Thank you. Thank you, Senator Chambers. I was going to digress a little bit from where I was going, but I'm going to head back there. So Senator Chambers and I met each other years ago, but I had the fortunate, or unfortunate chance of running against him in an election for Learning Community where the top two go on to the Learning Community. I ran a very good race. Senator Chambers said, bring it on young buck, and luckily the top two advanced because he beat me, I think, five to one. But it was an interesting race. The reason I bring up the Learning Community is because that's where I began my dive into TEEOSA and the issue of property taxes. And if you remember how the Learning Community was created, it took all the local property taxes and put them into a blender and created a new little output. But what was interesting also about the Learning Community, I learned two things about Omaha and Douglas and Sarpy County that shook me almost to the core. One, I learned the history of West Side, and yes, I bring that up because many of our school districts when you pick up a child in south Omaha, they have to drive literally through West Side in our school district to get to their school in west Omaha. But West Side was really created out of racism. 1947, 1949, West Side was carved out in the middle of Omaha to make sure young people like me did not go there. So if you ever are against a charter school movement, please tell me how West Side is not the first charter school district in the state of Nebraska. But moving on to the Learning Community, and Ernie touched... Senator Chambers touched on something was important to us, or important to me

Floor Debate
February 13, 2018

is, we had what's called a diversity plan. The diversity plan allowed us to bus students all over the Learning Community. And it was during that time I got the many e-mails about, we don't want those kids in our school district. We don't want those individual students to infiltrate--as one person said--our school. So I learned a lot about Omaha and about those kids who happen to be me when I was growing up. And turning back to LB1088 and how that solves everything, we eliminate option enrollment which right now feeds many of the school districts because we're going on a per pupil funding basis on LB1088. It will allow to make sure that students are funded when they get there so there's no need for option enrollment. What we also do is we put limits and this is where the property taxes and the school efficiencies come in. We limit district school size. If there are twenty students are left from pre-K through 3rd grade, you got to have one teacher; if it's 16 to 20 students, you have to have a para and we do that for each, almost a subset of grades, so we get down to making sure there's enough resources in the classroom. And then a key to this in the property tax basis how we save money is, we limit their levy to 85 percent...or we reduce their levy 85 percent of what we give them. This is how we create over a \$700 million local property tax. Now unlike Senator Erdman's bill, constitutional amendment that their pushing, we actually call for a way to pay for it. We're not going to just require education funding and our school funding to have a \$1.4 billion deficit and we have no way of paying for, we're going to pay for it by eliminating some of the loopholes, some of the exemptions that are out there, and raising income taxes just a little bit because farmers from what I heard and what I talked to, said they loved that idea to make sure they can control their property taxes. Well, let me tell you another thing that we can do as in the Education Committee because I'm talking about the Education Committee and don't worry, over the next couple of weeks every committee will get Justin's theory on how we make the state better when we talk about infrastructure. Because we've got to talk about low expectations. So I had the honor of when I was a president of a school board to bring in over a valuator to do over 250 classroom visits. And one of the first things they saw in the classrooms visits was low expectations, and the lack of respect for unique cultures. That's on page 27 of our needs analysis. Why do I bring this up, Education Committee, because when's the last time the state has done a true needs analysis of what our education needs are in this state. We haven't done one. We refuse to do one. It will cost us a hundred or two hundred thousand dollars and we can know exactly what is needed at the local level from a tribe's perspective, from Lexington's perspective, from Omaha's perspective, and what we can do across the state to make this better, we need to do that. We also can figure out how to pay teachers in high poverty areas in a better way. Well, there's one thing we can do. We can make all teachers, at least their pay, come from the state. [LB775]

SPEAKER SCHEER: One minute. [LB775]

SENATOR WAYNE: We can create a statewide employee's for teachers. We do it with other people, just an idea. Let's have a conversation about it. But those other kind of big things we need to do. But more importantly, there's a secret little law that while you're on probation as a

Floor Debate
February 13, 2018

teacher, you get evaluated every year. But in our statute, once you become tenured, you're not evaluated except for one every three years. Now tell me what job have any of you been on where you do not have a yearly valuation? We have to make sure that we have a yearly evaluation of all of our teachers and all of our principals and all of our school administrators to make sure that our students are getting the needs...getting their needs met and their resources are being provided for. There is many things... [LB775]

SPEAKER SCHEER: Time, Senator. [LB775]

SENATOR WAYNE: Thank you. [LB775]

SPEAKER SCHEER: Thank you, Senator Chambers and Senator Wayne. Mr. Clerk, you have a motion. [LB775]

CLERK: Mr. President, Senator Stinner would move to invoke cloture pursuant to Rule 7, Section 10. [LB775]

SPEAKER SCHEER: It is the ruling of the Chair there has been full and fair debate afforded to LB775. Senator Stinner, for what purpose do you rise? [LB775]

SENATOR STINNER: I rise to invoke cloture and I'd like a call to the house. [LB775]

SPEAKER SCHEER: There's been a request to place the house under call. The question is, shall the house go under call? All those in favor please vote aye; all those opposed vote nay. Please record. Mr. Clerk. [LB775]

CLERK: Members, I had problem. If you would cast your vote again, please, for the call of the house. Thank you. [LB775]

SPEAKER SCHEER: Please record. [LB775]

CLERK: 29 ayes, 2 nays, Mr. President, to place the house under call. [LB775]

SPEAKER SCHEER: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Groene, would you check in, please. Senator Blood. Thank you. Senator Geist, would you check-in,

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 13, 2018

please. Senator Wishart. Thank you. We are all here and accounted for. The question is the motion to invoke cloture. All those in favor please vote aye; all those opposed vote nay. Request for a record vote. Mr. Clerk. [LB775]

CLERK: (Record vote read, Legislative Journal pages 629-630.) 46 ayes, 1 nay, Mr. President, to invoke cloture. [LB775]

SPEAKER SCHEER: Cloture is adopted. We're still under call. The next question is the question to recommit to the committee. All those in favor please vote aye; all those opposed vote nay. There's been a request for a roll call vote in regular order, Senator Chambers? In regular order. Mr. Clerk. [LB775]

CLERK: (Roll call vote taken, Legislative Journal page 630.) 1 aye, 47 nays, Mr. President, on the motion to recommit. [LB775]

SPEAKER SCHEER: Motion to recommit fails. Next item before us is the adoption of AM1723 to LB775. There's been request for a roll call vote in regular order. Colleagues, could we please have a little quieter discussion after talking on the floor while we're doing the vote. We're having a hard time hearing the votes in the front as a roll call. Thank you. The question before us is the adoption of AM1723 to LB775. [LB775]

CLERK: (Roll call vote taken, Legislative Journal pages 630-631.) 48 ayes, 0 nays on adoption of committee amendments. [LB775]

SPEAKER SCHEER: AM1723 is adopted to LB775. The next question before us is the adoption and advancement of LB775 to E&R Initial. There's been a request for a roll call vote in regular order. Mr. Clerk. [LB775]

CLERK: (Roll call vote taken, Legislative Journal page 631.) 47 ayes, 1 nay on the advancement of the bill. [LB775]

SPEAKER SCHEER: LB775 is advanced to E&R Initial. Mr. Clerk, for items. Raise the call. [LB775]

CLERK: Mr. President, Exec Board reports LB1078 and LB935 to General File. And Health Committee reports 701 to General File with amendments. Priority bill designations: Senator Howard, LB931; Senator Watermeier is LB1078 as an Exec Board priority. An amendment to be printed to LB755 by Senator Brewer. Series of name adds, Mr. President: Senator Lowe, LB651;

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 13, 2018

Senator Riepe, LB702; Senator Geist, Watermeier, Hilgers, Clements, Williams, Halloran to LB1069; Senator Hilgers to LR6. (Legislative Journal pages 632-639.) [LB1078 LB935 LB701 LB931 LB1078 LB755 LB651 LB702 LB1069 LR6]

Mr. President, Senator McDonnell would move to adjourn the body until Wednesday morning, February 14, at 9:00 a.m.

SPEAKER SCHEER: Colleagues, you've heard the motion to adjourn. All those in favor please say aye. All those opposed say nay. The ayes have it. We are adjourned.